

November 24, 1999

TO : Federal-State Small Group

FROM : Mary Selkirk (916) 657-2666

Mary Selkirk

SUBJECT: Outcomes, November 23rd Small Group meeting

The following are actions or outcomes from the November 23rd Federal-State Small Group meeting.

South Delta

1. Follow-up on Tracy Fish Facility environmental documentation

Stein Buer reported that DWR has agreed to take the lead on the State environmental documentation for the Tracy Fish Facility project.

2. Review of approach on Grant Line Canal

Lester Snow noted that CALFED had committed, subsequent to close of the public comment period, to assemble all comments on GLC and by the end of this year assess whether CALFED should change its position on Grant Line Canal. Mike Spear noted that USFWS was prepared to participate in this re-assessment.

Stein Buer noted that no new information is expected to come out of recent South Delta modeling. The big unknown continues to be the impact of the barrier(s) on fish. CALFED has asked CMARP to focus on this question.

Action: Stein Buer will generate a concise memo, describing current efforts on GLC, issues of concern to South Delta interests and fisheries agencies, and trade-offs of alternate approaches. Patrick Wright also requested that the memo explain different proposals, why CALFED chose the current approach. Memo to be presented to Small Group at Small Group meeting during the week of December 6th.

Briefing on ERP Focus Group

Steve Ritchie presented short briefing on the purpose and activities of the new ERP Focus Group.

Discussion ensued regarding the relationship between ERP and the MSCS, including what documents will be produced for the Record of Decision, and what documents are required from a legal perspective. Mary Scoonover noted that Chris Beale, attorney for DFG, will focus full time on a MSCS/ERP combined document and separate regulatory document over the next six months. She went on to say that an ESA implementing agreement has to coincide with the signing of the ROD, so that everyone understands the commitments they are making and the assurances they are getting.

Action: No action, information only.

Water Supply Impacts Briefing Document

Discussion of proposed content for a brief report on water supply impacts for Governor Davis and Secretary Babbitt. Lester Snow requested, and Mike Spear agreed, that the report include a narrative description of some of the current operating and regulatory constraints which might hamper use of alternate water supplies formerly available to CVP contractors. Patrick Wright also requested that the report include a map to show distribution of impacts.

Outcome: Lowell Ploss and Kathy Kelly will have an outline of the report by November 30th. They will provide written draft for Small Group review at the Small Group meeting during the week of December 6th. Draft will concentrate on verification of water users' numbers and on the last ten years of alternate water sources for CVP contractors, including transfers, banking, alternate source supplies, groundwater pumping and conservation. They will work with USBR Public Affairs staff to package the final draft.

Year's End Commitments to Governor Davis and Secretary Babbitt on EWA

Discussion of what CALFED will be prepared to present to the Secretary and the Governor by the end of this year. Steve Macaulay noted three key items on EWA that CALFED should provide to them by year's end:

- 1) Framework
- 2) Identification of further work required, with projected completion dates
- 3) Proposal for financing the EWA

Action: Steve Ritchie and Steve Macaulay will coordinate preparation of CALFED milestones memo for the Governor by the following day, November 24th

Davis/Babbitt Directives to CALFED

Patrick Wright proposed that CALFED produce "Year in Review" by the December 15th Policy Group.

Action:

Accord Extension

Agreement that the Accord should be extended, even if not necessary, for purposes of showing commitment of fisheries agencies on ESA, as well as USBR commitment to operate pumps according to the Accord.

Outcome: Accord will be extended through September 30, with proviso that it will be superseded by the ROD, if the ROD is signed before that date.

Lead: Mary Scoonover, who will send to Alf Brandt, then circulate.

404 Compliance MOA/Water Use Efficiency Program Completion Date

Discussion of potential timing problems. Jim Monroe expressed the view that the 404 MOA completion is contingent on prior completion of the Water Use Efficiency program, including much more detail than is now in that Program. He claimed that this further detail was necessary for the MOA to be legally supportable and functional.

A long discussion ensued regarding the advisability of perpetuating the perspective that the decision on issuing a permit for construction of a storage facility was contingent only on a certain level of water conservation efforts, or that storage and water use efficiency simply counterbalanced one another in establishing water supply reliability. A discussion then ensued as to the utility of a 404 MOA, or the alternate path of seeking 404(r) permits directly through Congress. A question was raised as to whether the MOA had to be completed by the completion of the final EIS/R.

Outcome: No decision made. Agreement that there needed to be more explicit discussion regarding the nature of the final decision, and that both the federal and state agencies needed to participate. No date set.

Outcome: Tom Gohring will do briefing on the Water Use Efficiency Program at November 30 Small Group meeting.

Follow-up/News

- 1) Steve Ritchie noted that CALFED will be releasing an expanded version of NCWA's report on ag land acquisitions in California.
- 2) Assemblyman Machado has scheduled a legislative hearing on b(2) on Tuesday, December 7th in Hanford. *Please note that the Small Group meeting originally scheduled for that morning has been changed to Thursday, December 9, 9-12, in Room 1131.*

Next meeting: Tuesday, November 30, 1999, 9 a.m.-12 p.m., Room 1142.

Note: The Operations agencies will now meet on Tuesdays from 1-3 p.m.. The November 30th meeting will be in Room 335 of the Resources Building. Steve Hirsch of the Bureau will coordinate these meetings.